

UNITED STATES of AMERICA,	:	Criminal Action No. 09-697 (SRC)
	:	
	:	
Plaintiff,	:	
	:	
v.	:	ORDER
	:	
JAMES ARTFITCH,	:	
	:	
Defendant.	:	
	:	
	:	

This matter comes before the Court on the motion to file an appeal out of time by Defendant James Artfitch. Federal Rule of Appellate Procedure 4(b)(1)(A) states that a criminal defendant has 14 days after judgment to file a notice of appeal. Judgment in this criminal case was entered on November 28, 2011. Defendant filed his motion to file an appeal out of time on January 26, 2012. This Court’s ability to enlarge the time for appeal is limited by Federal Rule of Appellate Procedure 4(b)(4), which states: “Upon a finding of excusable neglect or good cause, the district court may -- before or after the time has expired, with or without motion and notice -- extend the time to file a notice of appeal for a period not to exceed 30 days from the expiration of the time otherwise prescribed by this Rule 4(b).”

As the Government points out, even if this Court found good cause, it has no power to extend the period for appeal beyond approximately January 12, 2012. Because Defendant's motion was filed almost two weeks after this final deadline passed, Defendant's motion must be denied.

For these reasons,

IT IS on this 14th day of May, 2012,

ORDERED that Defendant's motion for leave to appeal out of time (Docket Entry No. 46)
is **DENIED**.

s/ Stanley R. Chesler
Stanley R. Chesler, U.S.D.J.